

ENTERED

October 27, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

LUCINNE VENEGAS,
Plaintiff,

v.

SPACE EXPLORATION TECHNOLOGIES
CORPORATION & DOGLEG PARK, LLC,
Defendants.

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Civil Action No. 1:21-54

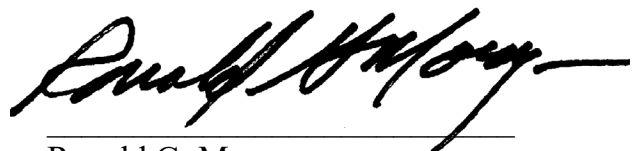
ORDER

On October 27, 2021, Plaintiff Lucinne Venegas filed an amended complaint. Dkt. No. 15.

Venegas may amend her complaint, without leave of the Court or the consent of the Defendants (1) within 21 days after serving the Defendants or (2) within 21 days of receiving a motion to dismiss or motion for summary judgment. FED. R. CIV. P. 15(a)(1)(A)-(B). Neither of these provisions are applicable here; more than 21 days have passed since the original complaint was served and there have been no motions to dismiss or motions for summary judgment filed. As such, Venegas is required to file a motion for leave to amend the complaint. FED. R. CIV. P. 15(a)(2); see also Dkt. No. 11, n. 2 (noting that “Any amended complaint must be accompanied by a motion for leave to file”).

The amended complaint is stricken from the docket, without prejudice to refile. If Venegas wishes to amend her complaint, she shall file a motion for leave to amend that includes a certificate of conference as to whether the Defendants oppose the motion to amend.

DONE at Brownsville, Texas on October 27, 2021.



Ronald G. Morgan
United States Magistrate Judge